

Disadvantaged Business Enterprise Program

Harford Transit LINK DBE Program Policy Statement

Objectives / Policy Statement - Section 26.1, 26.23

The Harford Transit LINK has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Harford Transit LINK has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Harford Transit LINK has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Harford Transit LINK to ensure that DBEs are defined in Part 26, have an equal opportunity to receive and participate in DOT and Maryland Department of Transportation Maryland Transit Administration (MDOT MTA)-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of MDOT MTA- assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for MDOT MTA-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in MDOT MTA-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
7. To promote competition, eliminate obstacles, and increase opportunities for Small Business Enterprises (SBEs) to participate as prime contractors on contracts without competing with larger, more established businesses.

Christine Carpenter, Procurement Agent III in the Department of Procurement, has been delegated as the DBE Liaison Officer. In that capacity, Christine is responsible for implementing aspects of the DBE program related to MDOT MTA assisted contracts in partnership with a designated staff member from Harford Transit LINK. Jodi Glock, Administrative Supervisor has been delegated to share in this responsibility. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Harford Transit LINK in its financial assistance agreements with the MDOT MTA.

Harford Transit LINK has disseminated this policy statement to the Harford County Maryland, County Executive. We will distribute this statement to DBE and non-DBE business communities that perform work for us on MDOT MTA- assisted contracts. The Harford Transit LINK DBE Program Policy Statement will be posted on the Harford County website.



Signature of Harford County Maryland

May 12, 2021

Date

SUBPART A - General Requirements

Objectives - Section 26.1

The objectives are found in the policy statement on the first page of this program.

Applicability - Section 26.3

Harford Transit LINK is the Subrecipient of federal transit funds authorized by Federal transit laws in Title 49, U.S. Code.

Definitions - Section 26.5

Harford Transit LINK will adopt the definitions contained in Section 26.5 for this program.

Non-discrimination Requirements - Section 26.7

Harford Transit LINK will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, Harford Transit LINK will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements - Section 26.11

Reporting to MDOT MTA: 26.11(b)

Harford Transit LINK will monitor and report DBE participation for public transit related projects and payments to MDOT MTA/Office of Local Transit Support (OLTS) on a monthly basis, using MDOT MTA Forms.

Harford Transit LINK must transmit data about its DBE Program to MDOT MTA/OLTS as directed by MDOT MTA/OLTS.

Bidders List: 26.11(c)

Harford County Department of Procurement with the assistance of Harford Transit will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on MDOT MTA-assisted contracts. The purpose of this requirement is to obtain accurate data to help in calculating and setting overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

Harford Transit LINK should use the MDOT Directory of Certified Firms and the Harford County Maryland's affiliated county bidder list if the required criteria is included.

We may collect this information by:

Inserting a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts, or by a Subrecipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information, or by a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the Subrecipient, etc.]

Federal Financial Assistance Agreement - Section 26.13

Harford County Maryland has signed the following assurances, applicable to all MDOT MTA-assisted contracts and their administration:

Assurance: 26.13(a)

Harford County Maryland and Harford Transit LINK shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any MDOT MTA-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The Subrecipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of MDOT MTA-assisted contracts. The Sub recipient's DBE Program, as required by 49 CFR part 26 and as approved by MDOT MTA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Harford County Maryland and Harford Transit LINK of its failure to carry out its approved program, the Department may impose sanction as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every MDOT MTA-assisted contract and subcontract:

The contractor, Subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Subrecipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;

- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B - Administrative Requirements

DBE Program Updates - Section 26.21

If Harford County Maryland and Harford Transit LINK intends to award prime contracts exceeding \$250,000 in Federal funds in a Federal Fiscal Year, Harford County Maryland and Harford Transit LINK will continue to carry out this program until all Federal funds have been expended and will provide to MDOT MTA updates representing significant changes in the program.

Policy Statement - Section 26.23

The Policy Statement is elaborated on the first page of this program.

DBE Liaison Officer (DBELO) - Section 26.25

Harford County Maryland has designated the following individual as DBE Liaison Officer: Christine Carpenter, Procurement Agent III, 220 S. Main Street, Bel Air, Maryland 21014, 410-638-3550, chcarpenter@harfordcountymd.gov.

The DBELO is responsible for implementing aspects of the Transit Agency DBE program in partnership with the assigned representative and ensuring that the Harford Transit LINK complies with all provision of 49 CFR Part 26. The DBELO has access to the County Executive through the Director of Procurement concerning DBE program matters. An organization chart displaying the Belo's position in the organization is found in Attachment 1 to this program. Harford County Maryland and Harford Transit LINK must also have adequate staff to administer the program in compliance with 49 CFR Part 26.

The DBELO is responsible for developing, implementing and monitoring the Transit Agency DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

Harford County Maryland Procurement Associate - DBELO

1. Reviews third party contracts and purchase requisitions for compliance with this program.
2. Works with Harford Transit LINK to set overall annual goals and to set project-specific goals for procurements \$25,000 and over.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations.

5. Participates in pre-bid meetings.
6. Advises the Director of Procurement on DBE matters and achievement.
7. Participates in pre-bid meetings.
8. Provides DBEs with information and assistance on preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Acts as liaison to the Uniform Certification Process at MDOT.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Harford Transit LINK – Administrative Supervisor

1. Gathers and reports statistical data and other information as required by MDOT MTA.
2. Analyzes Harford Transit LINK's progress toward attainment and monitors prime and DBE subcontractor compliance.
3. Participates in pre-bid meetings.
4. Plans and participates in DBE training seminars.
5. Assists DBELO with Uniform Certification Process at MDOT.

DBE Financial Institutions - Section 26.27

Harford Transit LINK must thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on MDOT MTA-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions:

The County obtains this information through the Federal Deposit Insurance Corporation's (FDIC) published historical data on Minority Depository Institutions (MDIs). FDIC defines MDIs as any depository institution where 51% or more of the stock is owned by one or more socially and economically disadvantaged individuals. FDIC provides the historical data on a year-by-year basis as well as quarterly revisions.

<https://www.fdic.gov/regulations/resources/minority/mdi.html>

The County has not located any MDIs located within Harford County, Maryland.

Information on the availability of such institutions can be obtained from the DBELO

Prompt Payment Mechanisms - Section 26.29

Harford Transit LINK will include the following clause in each MDOT MTA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from Harford County Maryland. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the

subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Harford Transit LINK and/or Harford County Maryland. This clause applies to both DBE and non-DBE subcontracts.

Harford Transit LINK's DBE program will enforce the following requirements of this section by including appropriate penalties for failure to comply when appropriate with the terms and conditions specified. The program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with prior written approval. The County may also establish as part of our DBE program, any of the following additional mechanisms to ensure prompt payment:

- (1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.
- (2) A contract clause providing that the prime contractor must submit evidence in the form of monthly reports that document payment to DBEs for work performed.
- (3) The prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- (4) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Directory - Section 26.31

Harford Transit LINK uses the MDOT Directory of Certified Firms identifying all firms eligible to participate as DBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. MDOT revises the Directory on a continuing basis. MDOT makes the Directory available on-line. The Directory may be found at

<https://mbe.mdot.maryland.gov/directory/> .

Overconcentration - Section 26.33

Harford County Maryland has not identified that overconcentration exists in the types of work that DBEs perform for Transit related projects.

Business Development Programs - Section 26.35

Harford Transit LINK has not established a business development program.

Monitoring and Enforcement Mechanisms - Section 26.37

Harford County Maryland and Harford Transit LINK will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26

and will set these forth in its DBE Program.

1. Harford County Maryland and Harford Transit LINK will bring to the attention of the MDOT MTA any false, fraudulent, or dishonest conduct in connection with the program, so that MDOT MTA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. Harford County Maryland and Harford Transit LINK will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. Harford County Maryland and Harford Transit LINK will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by assigned Harford County Maryland and/or Harford Transit LINK associates. Onsite, these associates will work with the vendors providing the service and monitor progress of each vendor, matching the DBE Reporting forms for each billing period to onsite contractors and subcontractors.
4. Harford Transit LINK will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. In the Harford Transit LINK reports, the Harford Transit LINK must display both commitments and attainments (i.e. payments actually made to DBE firms.)

SUBPART C - Goals, Good Faith Efforts, and Counting

Set-asides or Quotas - Section 26.43

The Harford Transit LINK does not use quotas in any way in the administration of this DBE program.

Overall Goals - Section 26.45

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 2 to this program. This section of the program will be updated annually by Harford Transit LINK. Harford Transit LINK will use contract goals (addressed below) to meet any portion of the overall goal. Harford Transit LINK's overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

In accordance with Section 26.45(f) Harford Transit LINK will submit its overall goal to MDOT MTA/OLTS each year. Before establishing the overall goal each year, Harford Transit LINK will consult with the MDOT MTA/OLTS to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Harford Transit LINK's efforts to establish a level playing field for the participation of DBEs. Harford Transit LINK consultation efforts will be documented in the goal submissions and efforts should be made to consult about establishing overall goals that align with those established by MDOT MTA. Harford Transit LINK shall submit this information to the DBELO annually.

Following this consultation, Harford Transit LINK will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that Harford Transit LINK and MDOT MTA/OLTS will accept comments on the goals for 45 days from the date of the notice. Normally, Harford Transit LINK will issue this notice by September 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. The DBELO will be copied on this information as updated.

Harford Transit LINK overall goal submission to MDOT MTA/OLTS will include a summary of information and comments received during this public participation process and its responses.

The Harford Transit LINK will begin using its overall goal on October 1 of each year, unless it has received other instructions from MDOT MTA/OLTS. If Harford Transit LINK establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for an MDOT MTA-assisted contract for the project.

Transit Vehicle Manufacturers Goals - Section 26.49

Harford Transit LINK will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on MDOT MTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Section 26.49. Harford Transit LINK will check the FTA DBE website to confirm the vendor is authorized to propose on FTA-assisted vehicle procurements and MDOT MTA/OLTS will report to FTA vehicle awards on behalf of the Harford Transit LINK via the on-line reporting tool.

Contract Goals - Section 26.51(d-g)

Contract goals will be established for all Transit procurements anticipated to be \$25,000 or over. Contract goals will be developed in consultation with the MDOT MTA Office of Local Transit Support (OLTS), the MDOT MTA Office of Equal Opportunity Compliance Programs, and the MDOT MTA Procurement Review Group (PRG).

Harford Transit LINK will establish contract goals only on those MDOT MTA-assisted contracts that have subcontracting possibilities and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Harford Transit LINK will express our contract goals as a percentage of total amount of a MDOT MTA-assisted contract.

Good Faith Efforts Procedures - Section 26.53

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO and Transit's assigned representative are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive and responsible

Harford Transit LINK will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before Harford Transit LINK commits to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

Harford Transit LINK treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness and responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts, which must include copies of each DBE and non-DBE quote submitted.

Administrative reconsideration (26.53(d))

Within 60 days of being informed by the DBELO that it is not responsive or responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Director of Procurement. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

Harford Transit LINK will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. Harford Transit LINK will not permit a prime contractor to terminate a DBE without its prior written consent and will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal.

In this situation, the Harford Transit LINK will require the prime contractor to obtain its prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the Harford Transit LINK

contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may request a termination for default proceeding with the DBELO.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Harford County Maryland and Harford Transit LINK to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of _____ percent has been established for this contract. The bidder/offers shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offers will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offers commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

[Note: When a contract goal is established pursuant to the Subrecipient's DBE program, the sample bid specification can be used to notify bidders/offers of the requirements to make good faith efforts. The forms found at Attachment 3 can be used to collect information necessary to determine whether the bidder/offers has satisfied these requirements. The sample specification is intended for use in both nonconstruction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.]

Counting DBE Participation - Section 26.55

The Harford Transit LINK will count only the value of work performed as a result of DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D - CERTIFICATION STANDARDS

Certification Process - Section 26.61 - 26.73

Harford Transit LINK will use the MDOT MTA DBE certification process to determine the eligibility of firms to participate as DBEs in MDOT MTA-assisted contracts. The MDOT MTA process meets the standards of Subpart D of Part 26. To be certified as a DBE, a firm must meet all certification eligibility standards. MDOT makes certification decisions based on the facts as a whole. The work of only MDOT certified firms may be counted towards DBE goal achievement.

<https://mbe.mdot.maryland.gov/directory/>

SUBPART E - CERTIFICATION PROCEDURES

Unified Certification Programs - Section 26.81

Harford Transit LINK will utilize the Unified Certification Program (UCP) administered by Maryland Department of Transportation (MDOT) which is the recognized UCP for the State of Maryland and meets all of the requirements of this section.

For information about the MDOT certification process or to apply for certification, firms should contact the MDOT Office of Minority Business Enterprise at (410) 865-1269 or (800) 544-6055, mbe@mdot.state.md.us, or:

Maryland Department of Transportation
Office of Minority Business Enterprise
7201 Corporate Center Drive
Hanover, MD 21076

OMBE staff members are also available to conduct a preliminary review of your application packet at MDOT Headquarters, every Tuesday during regular business hours (excluding the first Tuesday of the month), and by appointment. To schedule an appointment, please call (410) 865-1269.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation - Section 26.109

Harford Transit LINK will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information or other types of confidential information, consistent with Federal, state, and local law, and will make available to the public information which is not. Notwithstanding any contrary provisions of state or local law, Harford Transit LINK will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than MDOT MTA) without the written consent of the submitter. The Harford Transit LINK and DBEs are required to cooperate fully and promptly with MDOT MTA and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved.

Monitoring Payments to DBEs

Harford Transit LINK will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records must be made available for inspection upon request by any authorized representative of the Harford Transit LINK or MDOT MTA, or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Harford Transit LINK will review the monthly payment reports submitted by the prime and subcontractors as instructed by the Compliance Assistance Package (monthly reporting forms and instructions for prime and subcontractors – Attachment 5). Harford Transit LINK will ensure the monthly reports are submitted to their Regional Planner with a copy to BWalenga@mdot.maryland.gov and JFazio1@mdot.maryland.gov.

Harford Transit LINK will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

[List and append; we recommend that a copy of part 26 be attached to the program so that public users to whom we send copies can have it handy]

- Attachment 1 Organizational Chart
- Attachment 2 Overall Goal Calculation
- Attachment 3 MDOT DBE Contract Forms
- Attachment 4 Regulations: 49 CFR part 26
- Attachment 5 Compliance Assistance Package

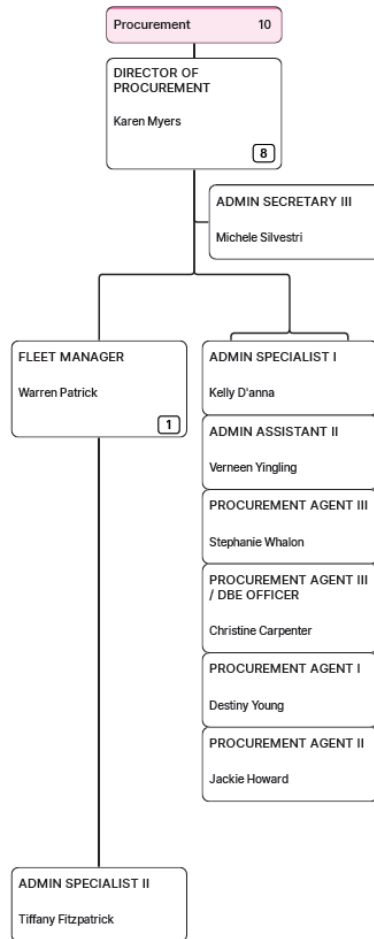
Attachment 1

Organizational Chart with DBELO

COUNTY EXECUTIVE -
0002
Barry Glassman

> DIR OF
ADMINISTRATION -
0006
Ben Lloyd

> DIRECTOR OF
PROCUREMENT
Karen Myers



Attachment 2

Section 26.45: Overall Goal Calculation

Amount of Goal

1. All DBE goals are reviewed by MDOT MTA Office of Fair Practice and the Performance Review Group. After review of the project and discussions with Harford Transit LINK, the overall goal and procedures for each project is set and preapproved through the Office of Local Transit Support.

Methodology used to Calculate Overall

As a Subrecipient of MDOT MTA, we will follow the guidelines recommended to us by the Office of Fair Practice through the Office of Local Transit Support. We do not have the historical data required at the present time to follow the goal steps listed below.

Goal Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs versus non-DBE firms. The base figure for the relative availability of DBE's was calculated as follows:

Base figure = Ready, willing, and able DBEs/All firms ready, willing and able

The data source or demonstrable evidence used to derive the numerator was: MDOT UCP Directory and Harford County Maryland's bidder list

The data source or demonstrable evidence used to derive the denominator was: [for example: US Census Bureau or Harford Transit LINK bidder list]

When Harford Transit LINK divided the numerator by the denominator Harford Transit LINK arrived at the base figure for our overall goal and that number was:

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation we would expect in the absence of discrimination Harford Transit LINK has adjusted its base figure by ___%.

The data used to determine the adjustment to the base figure was:

The reason Harford Transit LINK chose to adjust its figure using this data was because:

From this data, Harford Transit LINK has adjusted its base figure to:

Public Participation

We will publish and review all operating and capital projects submitted for funding at our Annual Public Hearing which occurs in January:

- Aegis Newspaper
- Press Release by Harford County Maryland

We received comments from these individuals or organizations:

- Letters to private transportation providers,
- Letters to municipalities
- Comments received at our Annual Public Hearing
- Communications received during the operating year

Summaries of these comments are as follows:

- Comments submitted are reviewed and grouped for responses which are published on our website, www.Harfordtransitlink.org

Our responses to these comments are:

- Comments submitted are reviewed and grouped for responses which are published on our website, www.Harfordtransitlink.org

Attachment 3

MDOT DBE Contract Forms

MDOT DBE Forms for Federally-Funded Contracts include the attached:

- MDOT DBE Form A – Certified DBE Utilization and Fair Solicitation Affidavit
- MDOT DBE Form B – DBE Participation Schedule
- MDOT DBE Form C – Outreach Efforts Compliance Statement
- MDOT DBE Form D – DBE Subcontractor Project Participation Affidavit
- MDOT DBE Form E – Good Faith Efforts Guidance and Documentation

MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID/ PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

In connection with the bid/proposal submitted in response to Solicitation No. _____, I affirm the following:

1. DBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Disadvantaged Business Enterprise (DBE) participation goal of _____ percent (_____ %). I agree that this percentage of the total dollar amount of the Contract for the DBE goal will be performed by certified DBE firms as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

OR

☐ I conclude that I am unable to achieve the DBE participation goal. I hereby request a waiver, in whole or in part, of the goal. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. For a partial waiver request, I agree that certified DBE firms will be used to accomplish the percentages of the total dollar amount of the Contract as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

2. Additional DBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT DBE Form C - Federally-Funded Contracts);
- (b) Subcontractor Project Participation Statement (MDOT DBE Form D - Federally-Funded Contracts);
- (c) DBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility/ offeror's susceptibility of being selected for award in connection with the certified DBE participation goal.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award or not susceptible of being selected for award.

MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

3. Information Provided to DBE firms

In the solicitation of subcontract quotations or offers, DBE firms were provided not less than the same information and amount of time to respond as were non-DBE firms.

4. Products and Services Provided by DBE firms

I hereby affirm that the DBEs are only providing those products and services for which they are MDOT certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE 1 OF 2

*** STOP ***

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) DBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the DBE participation goal.
2. In order to be counted for purposes of achieving the DBE participation goal, the firm must be certified for that specific NAICS ("DBE" for Federally-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the DBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether a DBE firm is certified and eligible to receive DBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the DBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the DBE participation goal.
4. If you have any questions as to whether a firm is MDOT DBE certified, or if it is certified to perform specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to mbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet a DBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority may approve a third-tier contracting agreement: (a) the bidder/offeror must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid/proposal in Part 2 of this DBE Participation Schedule.
6. For each DBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the amount of the subcontract for purposes of achieving the DBE participation goal:
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the DBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no DBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the DBE participation goal, you may count only the amount of any reasonable fee that the DBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the DBE Participation Schedule, please divide the amount of any reasonable fee that the DBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE
 PAGE 2 OF 2

- D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the DBE participation goal, you may count the total amount of the subcontract. For Column 3 of the DBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the DBE firm is furnishing and installing the materials and is certified to perform these services, please divide the total subcontract amount (including full value of supplies) by the total Contract value and insert the percentage in Line 3.1. If the answer is YES and the DBE firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the DBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). To apply the 60% Rule, first divide the amount of the subcontract for these supplies/products only (not installation) by the total Contract value. Then, multiply the result by sixty percent (60%) and insert the percentage in Line 3.2.
7. For each DBE firm that is not being used as a supplier/wholesaler/regular dealer/broker/manufacture, to calculate the amount of the subcontract for purposes of achieving the DBE participation goal, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- Example: \$ 2,500 (Total Subcontract Amount) ÷ \$10,000 (Total Contract Value) x 100 = 25%
8. Please note that for USDOT-funded projects, a DBE prime may count towards its DBE participation goal work performed by its own forces. Include information about the DBE prime in Part 2.
9. **WARNING:** The percentage of DBE participation, computed using the dollar amounts in Column 3 for all of the DBE firms listed in Part 2, MUST at least equal the DBE participation goal as set forth in MDOT DBE Form A – Federally-Funded Contracts for this solicitation. If the bidder/offeror is unable to achieve the DBE participation goals, then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award. You may wish to use the Goal Worksheet shown below to assist you in calculating the percentage and confirming that you have met the applicable DBE participation goal.

GOAL WORKSHEET	
Total DBE Firm Participation (Add percentages in Column 3 for all DBE firms listed in DBE Participation Schedule)	(A) _____ %
The percentage amount in Box A above should be equal to the percentage amount in Box E below.	
Add Countable Subcontract Amounts (see 6 through 8 of Instructions) for all DBE firms listed in DBE Participation Schedule, and insert in Box B	(B) \$ _____
Insert the Total Contract Amount in Box C	(C) \$ _____
Divide Box B by Box C and Insert in Box D	(D) = _____
Multiply Box D by 100 and insert in Box E	(E) = _____ %

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE

PART 2 – DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/offeree requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND DBE CLASSIFICATION	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 8 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
<input type="checkbox"/> Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other DBE Classification _____	3.1. <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE- EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS).</u> _____ % (Percentage for purposes of calculating achievement of DBE Participation goal) 3.2. <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 60% RULE PER SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u> _____ % Total percentage of Supplies/Products x _____ 60% (60% Rule) _____ % (Percentage for purposes of calculating achievement of DBE Participation goal)

☐ Please check if Continuation Sheets are attached.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/offeror requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND DBE CLASSIFICATION	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 8 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
<input type="checkbox"/> Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other DBE Classification _____	3.1. <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE- EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS).</u> _____ % (Percentage for purposes of calculating achievement of DBE Participation goal) 3.2. <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 60% RULE PER SECTION 8(E) IN PART 1 - INSTRUCTIONS).</u> _____ % Total percentage of Supplies/Products x _____ 60% (60% Rule) _____ % (Percentage for purposes of calculating achievement of DBE Participation goal)

☐ Please check if Continuation Sheets are attached.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL AS DIRECTED IN THE SOLICITATION.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT DBE Directory for each of the DBE firms listed in Part 2 of this DBE Form B for purposes of achieving the DBE participation goal that was identified in the DBE Form A that I submitted with this solicitation, and that the DBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this DBE Form B.

The undersigned Prime Contractor hereby certifies and agrees that it has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority business enterprise in its bid or proposal;
- (2) fail to notify the certified minority business enterprise before execution of the contract of its inclusion of the bid or proposal;
- (3) fail to use the certified minority business enterprise in the performance of the contract; or
- (4) pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT DBE Form B are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

**MDOT DBE FORM C
FEDERALLY-FUNDED CONTRACTS
OUTREACH EFFORTS COMPLIANCE STATEMENT**

In conjunction with the offer/proposal submitted in response to Solicitation No. _____, I state the following:

1. Bidder/Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified DBE firms for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to personally contact the solicited DBE firms:

4. **Please Check One:**
 - ☐ This project does not involve bonding requirements.
 - ☐ Bidder/Offeror assisted DBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS)

5. **Please Check One:**
 - ☐ Bidder/Offeror did attend the pre-bid/pre-proposal meeting/conference.
 - ☐ No pre-bid/pre-proposal meeting/conference was held.
 - ☐ Bidder/Offeror did not attend the pre-bid/pre-proposal meeting/conference.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT DBE FORM D
FEDERALLY-FUNDED CONTRACTS
DBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD OR THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED DBE FIRM LISTED IN THE DBE PARTICIPATION SCHEDULE. BIDDERS/ OFFERORS ARE HIGHLY ENCOURAGED TO SUBMIT FORM D PRIOR TO THE TEN (10) DAY DEADLINE.

Provided that _____ (Prime Contractor's Name) is awarded the Contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a subcontract with _____ (Subcontractor's Name) committing to participation by the DBE firm _____ (DBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the DBE firm, please restate name and provide DBE Certification Number) which will receive at least \$ _____ or _____ % (Total Subcontract Amount/ Percentage) for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

I solemnly affirm under the penalties of perjury that the information provided in this DBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____	Federal Identification Number: _____
Address: _____	Address: _____	Address: _____
Telephone: _____	Telephone: _____	Telephone: _____
Date: _____	Date: _____	Date: _____

IF DBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE DBE FIRM.

Attachment 4

Regulations: 49 CFR Part 26

[We recommend that you attach a copy of the regulations to your program so that the public users to whom you send copies can have it handy.]

Attachment 5

Compliance Assistance Package

MARYLAND TRANSIT ADMINISTRATION Locally Operated Transit Systems (LOTS) PRIME CONTRACTOR INSTRUCTIONS FOR COMPLETING DBE PAYMENT REPORT

These instructions were created to assist you with completing the Prime Contractor DBE Payment Report. If after reading these instructions, you have additional questions or need further clarification, please contact our office listed at the top of the form at your earliest convenience.

The Prime Contractor is responsible for completing and submitting the DBE Payment activities report by the 10th of the month following the ending month. (For example, October report should be received by November 10th). Reports are to be submitted during the life of a contract. *Note: Reports are to be submitted, regardless of whether there has been any activity or not for the reporting period.*

(THIS FORM SHOULD NOT BE MODIFIED OR ALTERED IN ANY WAY)

Starting Date for DBE

Enter the month, day and year when the Subcontractor(s) is expected to begin working on the contract. To Be Determined (TBD) is not acceptable. (MM/DD/YYYY)

Estimated Completion Date of Contract/Task Order for DBE

Enter the month, day and year of the anticipated completion date of all scheduled work under the Subcontract Agreement. (MM/DD/YYYY)

Service(s) Performed

Enter the services performed by the Subcontractor(s). Please note the Subcontractor must be certified by MDOT under the appropriate NAICS Code or those dollars will not be applied towards the DBE Goal.

Invoice Date

Enter the date of the Subcontractor(s) invoice for the reporting period. (MM/DD/YYYY)

Invoice Number (#) Enter the unique invoice number assigned to the invoice by the Subcontractor(s) for the reporting period. Please remember to submit copies of invoices as well.

Amount of Invoice

Enter the amount of the Subcontractor's invoice for the reporting period. **Please Note, if there is no activity in any given month enter "0".**

Amount Paid

Enter the total dollar amount paid to the Subcontractor(s) for the reporting period. **If no monies were paid enter "0".**

Check Number (#)

Enter the check number used to pay the Subcontractor(s) for the services rendered. Please submit copies of cancelled checks. Also, if the Subcontractor(s) was paid by Electronic Fund Transfer, please submit a copy of that document as well.

Amount Due

If applicable, enter any unpaid invoices over 30 days old. Also, if the entire invoice amount wasn't paid in full indicate the amount owed and in the comments section, please indicate the reason(s) why the DBE Subcontractor(s) was not paid on time or not paid the entire amount on the invoice.

Amount Paid to each DBE to date

Enter the sum of total payments paid to each DBE Subcontractor since the beginning of the contract to present.

Total Number (#) of Non-DBEs

Enter the total number of all Non-DBE Subcontractors performing services/tasks on the contract. (Non-DBE Subcontractor means not certified vendors)

Percent or Dollar Amount awarded to Non-DBEs

Calculate percent or dollar amount awarded to all Non-DBE Subcontractors.

Percent or Dollar Amount paid to Non-DBEs for the reporting period

Calculate percent or dollar amount paid to all Non-DBE Subcontractors for the reporting period.

Amount paid to Non-DBEs to Date

Enter the sum of total payments paid to each Non-DBE Subcontractor since the beginning of the contract to present.

Comments

Please indicate if there are any outstanding invoices over "30" days and the reason(s). Also, if there are any concerns/issues regarding the contract or Subcontractor(s), please indicate in this section as well. Also, if you need additional space, please place the comments in the body of your email.

Prepared By/Title/Phone/Email/Signature/Date

Print or type the name and title of the person completing the form. Include the area code with his or her telephone number and email address. The report should be signed and dated by the person completing it or someone who can respond to questions regarding the data contained in the report.

PLEASE NOTE: YOU DO NOT HAVE TO ENTER REPETITIOUS INFORMATION (FOR EXAMPLE, IF THE SERVICES PERFORMED ARE THE SAME FOR EACH INVOICE, ONLY REPORT IT ONCE UNDER THE PROVIDED SPACE GIVEN FOR EACH SUBCONTRACTOR).

Maryland Transit Administration
Locally Operated Transit Systems (LOTS)
DBE SUBCONTRACTOR INSTRUCTIONS FOR COMPLETING
PAYMENT REPORTS

These instructions were created to assist you with completing the DBE Subcontractor Payment Report. If after reading these instructions, you have additional questions or need further clarification, please contact our office listed at the top of the form at your earliest convenience.

Each DBE Subcontractor is responsible for completing the report on a monthly basis. Reports are to be submitted during the life of a contract by the 10th of the month following the ending month. (For example, October report should be received by November 10th). *Note: Reports are to be submitted each month, regardless of whether there has been any activity or not for the reporting period.*

(THIS FORM SHOULD NOT BE MODIFIED OR ALTERED IN ANY WAY)

Total Amount Paid this Reporting Period

Enter the total payments paid to your company for this reporting period.

Amount Paid to date

Enter the sum of total payments paid to your company since the beginning of the contract to present.

Service(s) Performed

Enter the services performed on the contract for the reporting period. **Please Note the Prime Contractor will only receive credit towards the goal for services that your company is certified to perform.**

Invoice Date

Enter the invoice date(s) for the reporting period. (MM/DD/YYYY)

Invoice Number (#) Enter the unique invoice number assigned to the invoice for the reporting period. Please remember to submit copies of invoices.

Amount of Invoice

Enter the amount of the invoice for the reporting period. **Please Note if there is no activity in any given month enter "0".**

Amount Paid

Enter the dollar amount received from the Prime Contractor according to your billed invoices for the reporting period. **If no monies were paid enter "0".**

Check Number (#)

Enter the check number used to pay your company for the services rendered. Please ensure to enter the appropriate check number that references the correct invoice(s).

Amount Due

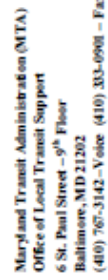
If applicable, enter how much is due if the entire invoiced dollar amount wasn't paid in full or being withheld.

Comments

This space has been provided for you to address any concerns or questions that you may have. Also, if you need additional space, please place the comments in the body of your email.

Prepared By/Title/Signature/Date/Telephone Number/Email

Print or type the name and title of the person completing the form. Include the area code with his or her telephone number and email address. The report should be signed and dated by the person completing it or someone who can respond to questions regarding the data contained in the report.



(For the Reporting Period Ending)

Free Office Use Only

[illegible]

SUBCONTRACTOR LETTER - SAMPLE

Date

Name of Subcontractor

Sub Contractor's Business Name

Address

City State Zip code

Re: DBE Contract Compliance for Contract No.
Prime Contractor:

Dear :

Please note that our records indicate that your firm, , is a certified MBE/DBE subcontractor on the above-noted project. Therefore, you must submit monthly a report identifying the prime Contractor, listing payments received from the prime contractor in the preceding 30 days, and invoices for which the DBE Subcontractor has not been paid. Failure to submit the required reports can result in a finding of noncompliance.

Our office will also be contacting Prime contractor's firm name to obtain the same information from their records. If there are any discrepancies in the amounts, our office will be contacting you to resolve them. Additionally, it is requested that you provide a copy of your Subcontract Agreement with the Prime Contractor for our files.

If you should have any questions regarding the MBE/DBE Program or your reporting requirements, please do not hesitate to contact our office at the number given below.

Sincerely,

LOTS County/Jurisdiction

cc: MTA Regional Planner
MTA Office of Equal Opportunity Compliance Programs

MARYLAND TRANSIT ADMINISTRATION

Locally Operated Transit Systems (LOTS)



**Maryland Transit Administration (MTA)
Office of Local Transit Support
6 St. Paul Street – 9th Floor
Baltimore, MD 21202
(410) 767-3142 • Voice (410) 333-0901 – Fax**

PLEASE COMPLETE AND RETURN BY THE 10TH OF THE MONTH UNTIL THE PROJECT IS COMPLETE.

FOR THE REPORTING PERIOD ENDING

(MONTH/YEAR)

DBE Subcontractor:

MDOT Certification #:

Prime Contractor:

Name of Project:

Contract Number:

(For Office Use Only)

Total of Subcontract:

Total Amount Paid this Reporting Period:

Amount Paid to Date:

[illegible]

Comments:

ICERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Prepared By:

Type or Print

Title:

Signature:

Date:

Telephone Number:

1

Email Address:

DO NOT MODIFY/ALTER THIS FORM